

REMARKS

The Examiner has required an election in the present Application between:

Group I: comprising claims 1-4, 9-14, and 16-22

Group II: comprising claims 5-8 and 15

The Office Action states that Groups I and II are related as sub-combinations disclosed as usable together in a single combination and that restriction is required under MPEP §806.05(d).

Applicants elect, with traverse, Group I, comprising claims 1-4, 9-14, and 16-22.

“Restriction is only proper when there would be a serious burden if restriction were not required.” (MPEP §806.05(d)(B)). Applicants respectfully traverse this restriction requirement on the grounds that even if, *in arguendo*, the sub-combinations have separate utility, there is no serious burden on the Examiner in examining Groups I and II together.

In the Response to the Supplemental Office Action of November 02, 2007, filed on January 25, 2008, the claims were not amended at all. The Response contained only arguments against the claim rejections made in the November 02, 2007 Office Action. Applicants therefore respectfully submit that, insofar as the presently pending claims are concerned, the Examiner has already made a substantive examination of ALL claims currently pending in the Application. The scope and content of the claims has not been changed since the issuance of the November 02, 2007 Office Action, therefore the burden on the Examiner has not changed. Since the Examiner was not seriously burdened in examining all currently pending claims in the issuance of the November 02, 2007 Office Action, the pending claims then being identical to the currently pending claims, there is no reason, absent a showing to the contrary, to suggest that a serious burden in examining these claims arises now.

Applicants therefore respectfully submit that restriction under MPEP §806.05(d) is not proper because the Examiner has not shown why there is a serious burden in making substantive examination of the pending claims now where there was no burden previously on the exact same

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claims. Accordingly, reconsideration and withdrawal of this restriction requirement is respectfully requested.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael K. Mutter, Reg. No. 29,680 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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